

REMARKS

By this amendment, claims 110-131 are pending, in which no claims are canceled or withdrawn from consideration, claims 111-14, 116-119, 121-124, and 126-131 are currently amended, and no claims are newly presented. No new matter is introduced.

The Office Action mailed May 30, 2008 objected to claims 110-131 for informalities based on the use of “A” rather than “The,” and rejected claims 110-114 and 120-131 as obvious under 35 U.S.C. § 103 based on *Miller* (US 4,930,152) in view of *Levay et al.* (US 6,067,516), claims 115-119 as obvious under 35 U.S.C. § 103 based on *Miller* (US 4,930,152) and *Levay et al.* (US 6,067,516) in view of *LaVallee et al.* (US 5,181,236), claim 110 as obvious under 35 U.S.C. § 103 based on *Miller* (US 4,930,152) in view of *Karnowski* (US 5,761,271), claims 110, 120, and 125 as obvious under 35 U.S.C. § 103 based on *Miller* (US 4,930,152) in view of *Bartholomew et al.* (US 6,215,858), and claim 115 as obvious under 35 U.S.C. § 103 based on *Miller* (US 4,930,152) and *Bartholomew et al.* (US 6,215,858) in view of *LaVallee et al.* (US 5,181,236).

The current amendments to the claims are made to address the objection to claims 111-114, 116-119, 121-124, and 126-129. Accordingly, the Examiner is respectfully requested to withdraw the objection to the claims.

The rejection of claims 110-114 and 120-131 under 35 U.S.C. § 103 based on *Miller* in view of *Levay et al.* is respectfully traversed.

Independent claim 110 recites, *inter alia*, “prompting a caller associated with the voicemail for a call back number, wherein the **call back number is attached to the voicemail message for automatic call back initiated by the subscriber**,” and “sending the textual information to a device specified by the subscriber of the telecommunication services”; independent claim 115 recites, *inter alia*, “wherein the user is prompted for a **callback number**

that is attached to the voicemail message for automatic callback initiated by a subscriber,” and “the textual information is forwarded to a device specified by the user”; independent claim 120 recites, *inter alia*, “wherein the call back number is attached to the voicemail message for automatic call back initiated by a subscriber,” and “wherein the media is forwarded to a device specified by the user”; and independent claim 125 recites, *inter alia*, “the callback number is attached to the voicemail message for automatic callback initiated by a subscriber of the voicemail services,” and “the media being forwarded to a device specified by the user.”

The combination of *Miller* and *Levay et al.*, even if properly combined, lacks any teaching of the above features.

With regard to the “call back number is attached to the voicemail message” feature, the Office Action identifies “fig. 2, label 212, fig. 3, label 301; col. 5, lines 23-30” of *Miller* as disclosing this feature. However, element 212 of Fig. 2 and the cited portion of col. 5 refer to stored name data pronounced as identifiers in a “recorded announcement...requesting the caller to designate, by entry of the appropriate digit, the callback list upon which the caller's previously specified telephone number is to be added.” Thus, at best, *Miller* discloses only that a caller may designate a call back list upon which a telephone number may be added. This, however, does not amount to a teaching of a call back number **“attached to the voicemail message for automatic callback initiated by a subscriber.”** While the Office Action relies on *Levay et al.* for a teaching of the use of voicemail messages, the fact that voicemail messages, *per se*, may have been known does not inescapably lead to the conclusion that it would have been obvious to attach a call back number to the voicemail message, as claimed. Even to the extent that one may consider the leaving of a spoken message, including a telephone number, on a voicemail system as “attaching” a call back number to a voicemail message, the instant claims require “a

call back number...attached to the voicemail message **for automatic callback initiated by a subscriber.**” The call back numbers in *Miller* are placed on a list that is then reviewed by a subscriber who can then choose to call back by using an automatic dialer. However, these call back numbers left on lists in *Miller* are not **attached to the voicemail message** since there is no voicemail system in *Miller*. While *Levay et al.* may generally teach the use of voicemail messages, there is absolutely no suggestion in *Levay et al.* of attaching a call back number to the voicemail message **“for automatic callback initiated by a subscriber.”** Accordingly, but for impermissible hindsight gleaned from Applicants’ own disclosure, there would have been nothing that would have led the skilled artisan to employ a voicemail message in *Miller* to which a call back number is attached **“for automatic callback initiated by a subscriber.”** Clearly, the voicemail message system in *Levay et al.* is not employed for such a purpose.

Moreover, neither of the applied references discloses or suggests “sending the textual information to a **device specified by the subscriber** of the telecommunication services.” It is not understood what the Office Action relies on for this feature because, at page 5 of the Office Action, “fig. 2, label 212” is recited. This refers to *Miller*; such portion of *Miller* refers to a step whereby a caller is requested to designate a call back list upon which a call back number is to be added, suggesting nothing about sending textual information to a device specified by the subscriber. Then, in an apparent acknowledgement that *Miller* does not provide for this claim feature, page 5 of the Office Action cites *Levay et al.*, “(abstract, fig. 1, 3-7; col. 2, lines 29-35, col. 5, lines 34-45),” as teaching this feature. However, while *Levay et al.* may send textual information to a device (col. 2, lines 33-35), it is not to a device **“specified by the subscriber,”** and the Office Action points to nothing in *Levay et al.* to the contrary.

Similarly, the features “wherein the user is prompted for a **callback number that is attached to the voicemail message for automatic callback initiated by a subscriber**” and “a

speech processor configured to generate textual information based on the voicemail message, wherein the textual information is forwarded to a device specified by the user" of claim 115 are not disclosed or suggested by either *Miller* or *Levay et al.* Moreover, *LaVallee et al.* fails to provide for these deficiencies of the primary references.

With regard to the rejection of claim 110 under 35 U.S.C. § 103 based on *Miller* in view of *Karnowski*, *Miller* is deficient for the reasons above. The Office Action relies on *Karnowski* for "prompting a caller associated with the voicemail for a call back number, wherein the call back number is attached to the voicemail message for automatic call back initiated by the subscriber," and "sending the textual information to a device specified by the subscriber of the telecommunication services," citing the abstract and col. 1, lines 52-56.

However, per the abstract, *Karnowski* discloses a telephone answering device having a feature that automatically pages a user after a message has been recorded thereon. The answering machine is programmed to dial the telephone number of a paging service, but this is much different than a call back number attached to a voicemail message "for automatic call back initiated by the subscriber."

Col. 1, lines 52-56, of *Karnowski* recites:

With some paging services, especially if the service is busy, it might take several rings before a connection is made and the caller receives a prompt. With other paging services, the caller might receive a prompt after just one ring or even no rings at all.

As evident from the above passage, there is no suggestion of "prompting a caller associated with the voicemail for a call back number, wherein the call back number is attached to the voicemail message for automatic call back initiated by the subscriber."

Moreover, nothing in the referenced portions of *Karnowski* is suggestive of "sending the textual information to a device specified by the subscriber of the telecommunication services."

Similarly, with regard to the rejection of claims 110, 120, and 125 under 35 U.S.C. § 103 based on *Miller* in view of *Bartholomew et al.*, *Miller* is deficient for the reasons above. The Office Action relies on *Bartholomew et al.*, for “prompting a caller associated with the voicemail for a call back number, wherein the **call back number is attached to the voicemail message for automatic call back initiated by the subscriber**,” and “sending the textual information to a device specified by the subscriber of the telecommunication services.” Specifically, the Office Action refers to col. 38, lines 35-43, of *Bartholomew et al.*, for “prompting a caller associated with the voicemail for a call back number, wherein the **call back number is attached to the voicemail message for automatic call back initiated by the subscriber**” and to col. 38, lines 35-43 and 57-61, of *Bartholomew et al.*, for “sending the textual information to a device specified by the subscriber of the telecommunication services.” The cited passages are as follows:

Col. 38, lines 35-43:

When the message is voice inputted and stored in a form acceptable to the caller and the caller presses the “send key,” the stored voice message is processed by the voice recognition resource and translated to text. The text is stored in text form in the voice recognition resource 1205. This text message is then transferred from the voice recognition resource 1205 via the LAN 1210 to the Internet interface 1237 and thence to the Internet in the manner previously described.

Col. 38, lines 57-61:

The selected Direct Talk server outdials the facsimile address directory number into the SSP 1241. Upon connection being established the facsimile message is delivered from the SSP to the recipient facsimile machine 1243 which is connected to the destination telephone network.

Thus, *Bartholomew et al.* describes a voicemail system and a conversion of a voice message to text, but is silent with respect to the claimed features.

Similarly, claim 115 recites “wherein the user is prompted for a **callback number that is attached to the voicemail message for automatic callback initiated by a subscriber**” and “a

speech processor configured to generate textual information based on the voicemail message, wherein the textual information is forwarded to a device specified by the user"; these features are not disclosed or suggested by either *Miller* or *Bartholomew et al.* Moreover, *LaVallee et al.* fails to provide for these deficiencies of the primary references.

Additionally, claims 114, 124, and 129 are separately patentable. For example, these claims include the features of "identifying the subscriber based on the received personal identification number; and retrieving a profile of the subscriber, wherein the textual information is sent to the device according to the profile," or "wherein the subscriber is identified based on the code for retrieval of a profile of the subscriber, wherein the media is sent to the device according to the profile."

The Office Action indicates col. 6, lines 35-47, and col. 7, lines 42-56, of *Miller* as disclosing these features. However, a review of these portions of *Miller* reveals only a disclosure of an input number matching a PIN for verifying a caller, authorization granted to the caller for access to a specified callback list, the ability of a caller to add a callback number to a callback list, identification of a caller, and the selection of a service option, e.g., the review of a callback list. In fact, these cited portions of *Miller* are concerned only with the caller and not with a subscriber. Accordingly, it is clear that *Miller* lacks any disclosure of "**identifying the subscriber** based on the received personal identification number; and retrieving a profile of the subscriber, wherein the textual information is sent to the device according to the profile," or "**wherein the subscriber is identified** based on the code for retrieval of a profile of the subscriber, wherein the media is sent to the device according to the profile." Therefore, claims 114, 124, and 129 are separately patentable, even if the claims from which they depend are found obvious within the meaning of 35 U.S.C. § 103.

Accordingly, the Examiner is respectfully requested to withdraw the rejections under 35

U.S.C. § 103.

Therefore, the present application, as amended, overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

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Date

/Phouphanomketh Ditthavong/
Phouphanomketh Ditthavong
Attorney/Agent for Applicant(s)
Reg. No. 44658

Errol A. Krass
Attorney/Agent for Applicant(s)
Reg. No. 60090

918 Prince Street
Alexandria, VA 22314
Tel. (703) 519-9952
Fax. (703) 519-9958